

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

**CAMILLE FRANCIS-HOWARD,**  
*Plaintiff,*

**v.**

**RICHARD SPENCER, SECRETARY,  
DEPARTMENT OF THE ARMY,  
*Defendant.***



**6:20-CV-00657-ADA-DTG**

## ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Before the Court is the Report and Recommendation of United States Magistrate Judge Derek T. Gilliland. ECF No. 28. The Report recommends that the Motion to Dismiss (ECF No. 9) be DENIED and the Summary Judgment Motion (ECF No. 16) be DENIED as to Plaintiff's failure to accommodate claim and be GRANTED as to all of Plaintiff's other claims. The Report and Recommendation was filed on December 5, 2022.

A party may file specific, written objections to the proposed findings and recommendations of the magistrate judge within fourteen days after being served with a copy of the report and recommendation, thereby securing *de novo* review by the district court. 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A district court need not consider “[f]rivolous, conclusive, or general objections.” *Battle v. U.S. Parole Comm’n*, 834 F.2d 419, 421 (5th Cir. 1987) (quoting *Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. 1982) (en banc), *overruled on other grounds by Douglass v. United States Auto. Ass’n*, 79 F.3d 1415 (5th Cir. 1996)).

Defendant filed objections on December 19, 2022. ECF No. 31. The Court has conducted a *de novo* review of the Motions, the responses, the report and recommendation, the objection to the report and recommendation, and the applicable laws. After that thorough review, the Court is


persuaded that the Magistrate Judge's findings and recommendation should be adopted and the parties' objections overruled.

**IT IS THEREFORE ORDERED** that the Report and Recommendation of United States Magistrate Judge Gilliland, ECF No. 28, is **ADOPTED**.

**IT IS FURTHER ORDERED** that Defendant's objections are **OVERRULED**.

**IT IS FINALLY ORDERED** that the Motion to Dismiss (ECF No. 9) is **DENIED** and the Summary Judgment Motion (ECF No. 16) is **DENIED** as to Plaintiff's failure to accommodate claim and is **GRANTED** as to all of Plaintiff's other claims.

SIGNED this 2nd day of June, 2023.

A handwritten signature in black ink, reading "Alan D. Albright", written over a horizontal line.

**ALAN D ALBRIGHT**  
**UNITED STATES DISTRICT JUDGE**